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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,976	10/22/2003	James N. Woyciesjes	0275V-000782	4708

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EXAMINER

COZART, JERMIE E

ART UNIT PAPER NUMBER

3726

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/690,976

Applicant(s)

WOYCIESJES ET AL.

Examiner

Jermie Cozart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 10-22 is/are rejected.
- 7) ☒ Claim(s) 3-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/5/04, 2/20/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 120 and 122. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The

abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Objections***

3. Claims 3-9 are objected to because of the following informalities: In claim 3, line 1, "the intensifier comprises" is objected to because the claim is further limiting the intensifier of claim 2, and therefore should be changed to -the intensifier further comprises-. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 10-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 22, it is unclear as to how "the aperture comprises a check valve". Appropriate correction is required.

6. Claim 10 recites the limitation "the hydraulic passage" in lines 5, 7, and 8. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 11 recites the limitation "the hydraulic passage" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 12 recites the limitation "the hydraulic line" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.
9. Claim 12 recites the limitation "the hydraulic passage" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.
10. Claim 16 recites the limitation "the hydraulic passage" in lines 7 and 10 of the claim. There is insufficient antecedent basis for this limitation in the claim.
11. Claim 17 recites the limitation "the hydraulic passage" in lines 3-4 of the claim. There is insufficient antecedent basis for this limitation in the claim.
12. Claim 21 recites the limitation "the hydraulic passage" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.
13. Claim 22 recites the limitation "the aperture" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1, 2, and 10-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by any one of the following references: Chitty et al. (US 6,256,854 B1), O'Connor et al. (US 6,240,613 B1), Bradbury et al. (6125680), Banducci et al. (6,079,604), Banducci et al. (EP 0 995 520 A2), Bradbury et al. (EP 0 995 519 A2).

Note each of the references use the same reference numerals to describe the same components listed below in the rejection.

Regarding **claims 1 and 2**, each of the references discloses a rivet setting tool (12), comprising: a pulling head (43) including a hydraulic piston (43a) disposed within a housing (43b), the piston coupled to a jaw (44), the jaw operable to engage a rivet mandrel upon activation of the pulling head, whereby continued travel of the hydraulic piston supplies force to effectively set the rivet; a hydraulic pressure source (230) connected to the housing by a hydraulic passage (212); a pneumatic intensifier (40) operably coupled to the hydraulic pressure source; a hydraulic refill system (234, 236) coupled to the hydraulic pressure source configured to apply pressure to the hydraulic pressure source to cause the charging of the hydraulic passage. The hydraulic pressure source (230) comprises a ram housing (230) and the pneumatic intensifier (40) defines an intensifier chamber (220), the pneumatic intensifier further comprising an air piston (224) disposed within the intensifier chamber coupled to a rod (228) such that movement of the air piston causes translation of the rod within the ram housing and thereby applying hydraulic pressure to the hydraulic passage. *See figures 3 and 25 for further clarification.*

Regarding **claims 10-13**, each of the references disclose a rivet setting tool (12) comprising a pulling head (43) including a hydraulic piston (43a) disposed within a housing (43b), the piston coupled to a jaw (44), the jaw operable to engage a rivet mandrel upon activation of the pulling head, whereby continued travel of the hydraulic piston supplies force to effectively set the head; and an intensifier (40) operably coupled

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to a hydraulic passage (212), the intensifier comprising a refill mechanism (236) which when actuated fluidly couples a source of hydraulic fluid to the hydraulic passage and a means (228, 230) for applying hydraulic pressure to the hydraulic passage. The refill mechanism (234) comprises a source of pneumatic pressure (234) which is applied to the source of hydraulic fluid so as to cause hydraulic fluid to flow from the source of hydraulic fluid into the hydraulic passage (212). The means for applying hydraulic pressure to the hydraulic line comprises a ram housing (230) fluidly coupled to the hydraulic passage, and a rod (228) slidably disposed within the ram housing, the rod configured to move in response to air pressure applied into the intensifier (40). The intensifier (40) defines an intensifier chamber (220), and the intensifier chamber defines the source of hydraulic fluid. *See figures 3 and 25 for further clarification.*

### ***Allowable Subject Matter***

16. Claims 3-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
17. Claims 14 and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
18. Claims 16-22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
19. The following is a statement of reasons for the indication of allowable subject matter: Regarding **claim 16**, the prior art does not teach or suggest the intensifier

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further having a baffle which divides the intensifier cavity into a hydraulic fluid source and a first cavity, in combination with the other claimed limitations.

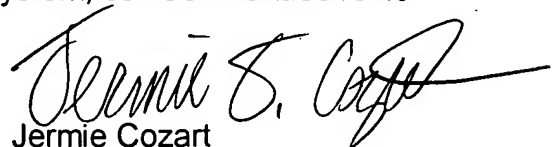
**Conclusion**

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited on the attached PTO-892 are cited to show riveting tools.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 571-272-4528. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jermie Cozart  
Examiner  
Art Unit 3726

July 24, 2005